

House Engrossed Senate Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

CHAPTER 255

# **SENATE BILL 1188**

AN ACT

AMENDING SECTION 20-340.03, ARIZONA REVISED STATUTES; RELATING TO BAIL BOND AGENTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 20-340.03, Arizona Revised Statutes, is amended to  
3 read:

4 20-340.03. Bail bond agent prohibitions

5 A. A bail bond agent shall not:

6 1. Suggest or advise the employment of or name for employment any  
7 particular attorney to represent the agent's principal.

8 2. Solicit business in or around any place where prisoners are  
9 confined or in or around any court.

10 3. Receive or collect for an attorney any monies or other items of  
11 value for any attorney fee, cost or other purpose on behalf of an arrestee,  
12 unless a receipt is given.

13 4. For any purpose, directly or indirectly, enter into an arrangement  
14 of any kind or have an understanding with any person to inform or notify any  
15 bail bond agent directly or indirectly of any of the following:

16 (a) The existence of a criminal complaint.

17 (b) The fact of an arrest.

18 (c) The fact that an arrest of any person is pending or contemplated.

19 (d) Any information pertaining to matters described in this paragraph  
20 or to the persons involved.

21 5. Participate in the capacity of an attorney at a trial or hearing of  
22 a person on whose bond the bail bond agent is the surety.

23 6. Accept anything of value from a principal except the premium and  
24 expenses. The bail bond agent may accept collateral security or other  
25 indemnity from the principal or on behalf of the principal that the bail bond  
26 agent shall return on final termination of liability on the bond unless the  
27 collateral has been forfeited because the defendant did not appear in  
28 court. The collateral security or other indemnity required by the bail bond  
29 agent must be reasonable in relation to the amount of the bond.

30 7. Give, authorize, sign or countersign in blank any power of attorney  
31 to bonds unless the authorized person is a licensed bail bond agent directly  
32 employed by the bail bond agent giving the power of attorney.

33 8. Advertise as or claim to be a surety company.

34 9. Employ or assist in the employment of any person who has been  
35 convicted in any jurisdiction of theft or of any felony or OF any crime  
36 involving carrying or the possession of a deadly weapon or dangerous  
37 instrument. THIS PARAGRAPH DOES NOT APPLY TO A PERSON WHOSE FELONY  
38 CONVICTION HAS BEEN SET ASIDE OR WHOSE CIVIL RIGHTS HAVE BEEN RESTORED  
39 BECAUSE OF A FELONY CONVICTION, EXCEPT FOR A CONVICTION OF THEFT OR OF ANY  
40 CRIME INVOLVING CARRYING OR THE POSSESSION OF A DEADLY WEAPON OR DANGEROUS  
41 INSTRUMENT.

1 B. For the purposes of subsection A, paragraph 9, "employment" means  
2 working for a salary, a commission or under contract or owning, operating or  
3 controlling any business or agency that solicits, services or assists in any  
4 way in dealing in bail bonds.

5 C. Law enforcement, adjudication and prosecution officials and the  
6 officials' employees, attorneys-at-law, officials authorized to admit to bail  
7 and state and county officers shall not be bail bond agents and shall not  
8 directly or indirectly receive any benefits from the execution of any bail  
9 bond. This section does not prohibit a bail bond agent from hiring counsel  
10 or asking assistance of a law enforcement officer.

11 D. In any bail transaction or in connection with any bail transaction,  
12 a bail bond agent shall not directly or indirectly charge or collect monies  
13 or other valuable consideration from any person except for the following  
14 purposes:

15 1. To pay the premium at the rates that are established by the surety  
16 insurer and that are approved by the director.

17 2. To provide collateral.

18 3. To be reimbursed for actual and reasonable expenses incurred in  
19 connection with the individual bail transaction.

20 Sec. 2. Retroactivity

21 This act is effective retroactively to from and after May 1, 2006.

**APPROVED BY THE GOVERNOR MARY 4, 2006.**

**FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2006.**

